

REMARKS

Claims 1-20 are pending. By this amendment, claims 1, 11, 17 and 19 are amended.

On February 22 an interview was conducted between Applicants representative, David Zibelli, and Examiner Nguyen. Examiner Nguyen is thanked for her courtesy extended during the interview. During the interview, the 112 issue was discussed with regard to the "pieces of information" and amendment is made to the claims in this regard. Concerning the prior art rejections, the Examiner set forth her position regarding Ogura and Breed, as explained in her Interview Summary of February 22, 2006. Mr. Zibelli asserted that Ogura merely discloses to select information based on a distance between the vehicle and a site of the accident, and that the traffic accident is not a foreign moving object as required in the claims. The Examiner requested that Applicants review Breed closely, and she specifically referred to paragraphs of Breed that may impact patentability. These sections of Breed have been reviewed, and Applicants believe the claims should be allowed over Ogura and Breed, either considered alone or in combination, for the reasons set forth below.

The Office Action rejects claims 1-19 are rejected under 35 USC 112 , second paragraph. This rejection is respectfully traversed.

The claims have been amended to recite selected pieces of information and received pieces of information. Also, the recitation of "obtained therefrom" was deleted. It is submitted that the claims are definite and the rejection should be withdrawn.

The Office Action rejects claims 1, 11, 17 and 19 under 35 USC 103(a) over Breed (US 2002/0198632) in view of Ugura (USP 6,317,682), rejects claims 2-5 over Breed in view of Ogura and Yu (US 2003/0126846), and rejects claims 6-10, 12-26, 18, and 20 under 35 USC 103(a) over Breed and Taylor (US 2003/0169185). These rejections are respectfully traversed.

None of the applied references disclose or suggest a vehicular communication apparatus that is installed in a vehicle and that is designed to establish bidirectional communication with a foreign moving object, in which a plurality of pieces of information are

repeatedly transmitted and received in a constant cycle, wherein a selection device (or means) selects selected pieces of information to be transmitted in accordance with an emergency level, which is determined in accordance with a situation between the vehicle and the foreign moving object, as recited in independent claims 1, 11, 17 and 19. These claims require that an emergency level is determined based on a situation between the vehicle and a foreign moving object, such as another vehicle, a moving pedestrian, a moving bicycle, etc. When such an emergency level is determined, selected pieces of information are selected to be transmitted based on this emergency level.

Breed discloses that the vehicle may search and receive all relevant information. See [0315], [0345] and [0347]. Breed discloses that when an event occurs, such as an accident, a certain vehicle transmits the information of the event to the other vehicles, and that the message can be tagged as a high priority message. See par. [0300]-[0302] and [0349]. However, Breed does not disclose or suggest that pieces of information to be transmitted are selected in accordance with an emergency level which is determined in accordance with a situation between the vehicle and a foreign moving object, as recited in the claims. An accident or avalanche, road erosion, fallen tree, etc as described in [0349] is not "a situation between the vehicle and a foreign moving object", as recited in the claims. Further a mere disclosure of prioritizing information to be sent is not a disclosure that pieces of information to be transmitted are selected in accordance with an emergency level which is determined in accordance with a situation between the vehicle and a foreign moving object, as recited in the claims.

Ogura discloses to select pieces of information in accordance with a distance between the vehicle and the site of a traffic accident. See col. 6, lines 4-67 and col. 7, lines 9-11. In Ogura, information communicating devices 100 are located along a road 200 at intervals, and when an event to be reported to vehicles occurs on the road, information is generated according to a distance between the site of the event and the vehicle to which the information is to be sent. The information communicating device comprises sensors 110 each for monitoring and grasping a state of a road, a sensor processing unit for collecting information from the sensors, a control unit 130, and a radio communication device 140. The sensor detects information concerning unusual situation on or around the road, which information is processed and transferred to central control system 500. See col. 3, line 43-col. 4, line 32. The traffic accident

is not "a situation between the vehicle and a foreign moving object" and Ogura does not disclose or suggest selecting "selected pieces of information to be transmitted in accordance with an emergency level, which is determined in accordance with a situation between the vehicle and the foreign moving object", as recited in independent claims 1, 11, 17 and 19.

In Ogura, if the distance between the site of the traffic accident and the vehicle is little different, the same information is selected and transmitted. In contrast, according to the claimed invention, information is selected based on the situation between the vehicle and the foreign moving object, such as the situations described in Figure 5. This will occur according to the situation even if a distance between the vehicle and foreign object does not vary.

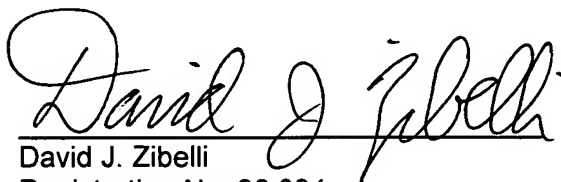
Thus, the applied references, even if combined, do not disclose or suggest bidirectional communication with a foreign moving object, in which a plurality of pieces of information are repeatedly transmitted and received in a constant cycle, wherein a selection device (or means) selects pieces of the received information to be transmitted in accordance with an emergency level, which is determined in accordance with a situation between the vehicle and the foreign moving object, as recited in independent claims 1, 11, 17 and 19. For these reasons, claims 1, 11, 17 and 19, and all claims dependent therefrom, would not have been obvious over the applied references. Withdrawal of the rejections is requested.

For the above reasons, it is submitted that the application is in condition for allowance. Prompt consideration and allowance are solicited.

The Office is authorized to charge any additional fees under 37 C.F.R. § 1.16, § 1.17, or

§ 1.136, or credit of any overpayment, to Kenyon & Kenyon Deposit Account No. 11-0600.

Respectfully submitted,

A handwritten signature in black ink, reading "David J. Zibelli". The signature is written in a cursive, flowing style. The first name "David" is written with a large, looped 'D'. The middle initial "J." is written with a small 'J' followed by a period. The last name "Zibelli" is written with a large 'Z' and a series of loops for the remaining letters.

David J. Zibelli
Registration No. 36,394

Dated: March 1, 2006

KENYON & KENYON LLP
1500 K Street, N.W. - Suite 700
Washington, D.C. 20005 -1257
Tel: (202) 220-4200
Fax: (202) 220-4201
597146